

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF DOCKETING

14-1272 - In re **Midwestern Pet Foods** (REVISED)

Date of docketing: January 30, 2014

Appeal from: Patent and Trademark Office - Trademark Trial and Appeal Board in Serial no. 85/128,946

Appellant(s): Midwestern Pet Foods, Inc.

Critical dates include:

- Date of docketing. See Fed. Cir. R. 12 and 15.
- Entry of appearance. (*Due within 14 days of the date of docketing.*) See Fed. Cir. R. 47.3.
- Certificate of interest. (*Due within 14 days of the date of docketing.*) See Fed. Cir. R. 47.4.
- Docketing Statement. (*Due within 14 days of the date of docketing, or within 30 days if the United States or its officer or agency is a party in the appeal.*) [Only in cases where all parties are represented by counsel. See the en banc order dated September 18, 2006, and guidelines available at www.cafc.uscourts.gov.]
- Requests for extensions of time. See Fed. Cir. R. 26 and 27. **N.B. Delayed requests are not favored by the court.**
- Briefs. See Fed. Cir. R. 31. **N.B. You will not receive a separate briefing schedule from the Clerk's Office.** However, in a case involving an appellant, a cross-appellant, and an appellee, a special briefing schedule is used. The appellant's opening brief is due within 60 days of the date of docketing. The cross-appellant's opening brief is due within 40 days of filing of the appellant's opening brief. The appellee's brief is due within 40 days of filing of the cross-appellant's brief. The appellant's response/reply brief is due within 40 days of filing of the appellee's brief. The cross-appellant's reply brief is due within 14 days of filing of the appellant's response/reply brief. The joint appendix is due within 10 days of filing of the cross-appellant's reply brief.
- Settlement discussions. See Fed. Cir. R. 33.
- **Oral Argument Schedule Conflicts:** Counsel can expect oral argument to be set within 2 months of the filing of final brief or appendix in a case. Counsel should advise the clerk's office of any potential conflict that would interfere with counsel's ability to appear for oral argument, and counsel should provide updates to inform the clerk's office of any potential conflict as it arises. The clerk's office will make every effort to accommodate counsel's conflicts if counsel so advises the clerk's office prior to the time that the clerk's office sets the date for oral argument. After the date for oral argument is set, however, the date for oral argument will not be postponed except on motion showing compelling circumstances. Counsel should be aware that the court's future oral argument schedule is posted on the court's website at www.cafc.uscourts.gov under the oral argument tab.

Pro se parties should refer to the [Guide for Pro Se Petitioners and Appellants](#).

Attachments:

- Official caption is reflected on the electronic docket
- Rules of Practice (to pro se parties only)
- Required forms (to pro se parties only):
 - Entry of Appearance
 - Informal Brief
 - Motion and Affidavit for Leave to Proceed in Forma Pauperis (only to appellants owing the docketing fee)

Counsel may download the Rules of Practice and required forms from www.cafc.uscourts.gov or call 202.275.8000 for a printed copy.

Daniel E. O'Toole
Clerk of Court

